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10/616,695	07/09/2003	Yoshihiro Nakami	MIPFP040	1595

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EXAMINER
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LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/616,695

**Applicant(s)**

NAKAMI, YOSHIHIRO

**Examiner**

Thomas D. Lee

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/07</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office action is responsive to Applicant's AMENDMENT, filed August 3, 2007. Claims 1, 3-5 and 7-13 are pending.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication 2002/0008771 (Uchino et al., hereinafter Uchino).

Regarding claim 1, Uchino discloses an image processing method of processing image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraph 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image data (paragraphs 0051, 0094), the method comprising the steps of: (a) determining a degree of auto adjustment to adjust lightness and contrast of the image data according to lightness of the image being reduced when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0049, 0053, 0064); and (b) performing the auto adjustment based on the determination (paragraphs 0062-0065).

Regarding claim 5, Uchino discloses an image processing method of processing image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraph 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image data (paragraphs 0051, 0094), the method comprising the steps of: (a) selecting one of a plurality of adjustment modes according to the image processing control information, the selecting of one of the plurality of adjustment modes including reducing a degree of auto adjustment when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0051-0052, 0064, 0094); and (b) automatically adjusting lightness of the image data in the selected adjustment mode according to lightness of the image, wherein the plurality of adjustment modes include a plurality of adjustment modes having a difference in at least one of a degree of lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065).

Regarding claim 9, Uchino discloses an image output method of outputting image data in response to an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraph 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an

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image expressed by the image data (paragraphs 0051, 0094), the image output method comprising: the steps included in the image processing method in accordance with claim 1 (note claim 1 rejection above); and the step of outputting an image in response to the image-processed image data (inherent in digital camera taught by Uchino).

Regarding claim 10, Uchino discloses a computer-readable medium storing a computer program for causing a computer to process image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraphs 0085-0087, 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image data (paragraphs 0051, 0094), the computer program comprising programs causing the computer to perform: a function to determine a degree of an auto adjustment for adjusting lightness and contrast of the image data according to lightness of the image, the degree of the auto adjustment being reduced when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0049, 0053, 0064); and a function to perform the auto adjustment based on the determination (paragraphs 0062-0065).

Regarding claim 11, Uchino discloses a computer-readable medium storing a computer program for causing a computer to process image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraphs 0085-0087, 0094), the image

processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image data (paragraphs 0051, 0094), the computer program comprising programs causing the computer to perform: a function to automatically adjust lightness of the image data according to lightness of the image in one of a plurality of adjustment modes (paragraphs 0049, 0053, 0062-0065); and a function to select one of the plurality of adjustment modes according to the image processing control information, the function to select one of the plurality of adjustment modes including reducing a degree of auto adjustment when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0051-0052, 0064); wherein the plurality of adjustment modes include a plurality of adjustment modes having a difference in at least one of a degree of lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065).

Regarding claim 12, Uchino discloses an image processing apparatus for processing image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraph 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image (paragraphs 0051; 0094), the apparatus comprising: an automatic picture quality adjuster configured to automatically regulate

lightness and contrast of the image data according to lightness of the image (paragraphs 0049, 0053); and an adjustment degree determiner configured to determine a degree of the auto adjustment based on the image processing control information, the adjustment degree determiner being further configured to reduce the degree of the auto adjustment when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0062-0065).

Regarding claim 13, Uchino discloses an image processing apparatus for processing image data using an image file, the image file including the image data and image processing control information to be used to process the image data (Fig. 16, paragraph 0094), the image processing control information including light metering information showing whether a specific metering method measuring light in a specified field of view is used to photograph the image data, the specified field of view being a part of an image expressed by the image data (paragraphs 0051, 0094), the apparatus comprising: an automatic picture quality adjuster configured to automatically adjust lightness of the image data according to lightness of the image in one of a plurality of adjustment modes (paragraphs 0049, 0053, 0062-0065); and an adjustment mode selector configured to select one of the plurality of adjustment modes according to the image processing control information, the adjustment mode selector being further configured to reduce a degree of auto adjustment when the light metering information shows that the specific metering method is used for the photographing (paragraphs 0049, 0053, 0062-0065); wherein the plurality of adjustment modes include a plurality of

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adjustment modes having a difference in at least one of a degree of lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchino.

Regarding claims 3 and 7, Uchino discloses an image processing method, wherein the light metering information represents a selected one among a plurality of metering methods including averaged metering, center-weighted metering, spot metering, multi-spot metering, divisional light metering, and partial light metering, and the specific metering methods include the spot metering and the multi-spot metering (paragraphs 0051, 0105). While Uchino does not specifically disclose partial metering, Uchino states that other metering types may be employed (paragraph 0105). In view of this, one of ordinary skill in the art would have known that any known metering type, including partial light metering, could be used in the image processing method of Uchino. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Uchino by providing partial light metering, or other metering types, so that the image correction may be further optimized for selected areas of a photographed image.

Regarding claims 4 and 8, Uchino does not disclose a user interface allowing a user to select the degree of auto adjustment when the image processing control



information indicates center-weighted metering. However, it is well known in the art to provide a manual mode for enabling a user to manually input information for image correction, as well as an automatic mode for enabling an imaging apparatus to perform the image correction without the need for the user to input the information. By providing a mode for manual correction, a user can correct an image according to his or her specific needs or intentions, and thus it would have been obvious for one of ordinary skill in the art to modify the teaching of Uchino by providing a means by which a user can select a degree of auto adjustment, regardless of the type of metering indicated by the image processing control information.

### ***Response to Arguments***

6. Applicant's arguments filed in response to the rejection of claims 1, 2, 5, 6 and 9-13 under 35 U.S.C. 102(b), and claims 3, 4, 7 and 8 under 35 U.S.C. 103(a), as set forth in the prior Office action mailed March 30, 2007, have been fully considered but they are not persuasive.

Applicant asserts that Uchino "does not disclose any correcting process in which *the degree of correction is changed based on the method of metering.*" (current amendment, pages 7-8, emphasis by Applicant). Applicant further states "nothing in the Uchino reference would have suggested to one having ordinary skill in the art changing the degree of correction based on the method of metering." (current amendment, page 8). Contrary to Applicant's assertion, Uchino, at paragraph 0064, states that "in the case where skin colors exist in the center area and its vicinity in the image at the time of spot metering, the scene determining section 323 in the correction controlling section 32

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determines that the possibility that the image is an image of a human is high. The correction section 26 makes image correction so as not to exceed a predetermined degree of contrast in accordance with the result of scene determination, thereby preventing a skin color from being undesirably corrected to a grained image.”

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas D Lee  
Primary Examiner  
Technology Division 2625

tdl  
October 5, 2007